

UNITED STATES DISTRICT COURT
District of Maine

VICTORIA GURNEY,)
Plaintiff)
v.) No. 1:14-cv-00101-GZS
CAROLYN W. COLVIN, Acting)
Commissioner, Social Security,)
Defendant)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on February 4, 2015, his Recommended Decision (ECF No. 17). Plaintiff filed her Objection to the Recommended Decision (ECF No. 15) on January 5, 2015. Defendant filed her Reply to Plaintiff's Objection to the Recommended Decision (ECF No. 16) on January 20, 2015.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that this case is **REMANDED** for further administrative proceedings under the following conditions:

That the issue on remand is limited to assessing the significance of Plaintiff's IQ testing scores to Plaintiff's RFC and whether jobs exist in significant numbers in the national economy that Plaintiff could perform in light of her borderline IQ;

That the ALJ obtain further evidence, including testimony, from a vocational expert;

That the ALJ obtain further medical evidence, including testimony, on the issue of Plaintiff's IQ and its impact on Plaintiff's functional capacity; and

That the proceedings before the ALJ, including the issuance of the decision, conclude within 60 days of remand; if the decision of the ALJ is a denial of benefits and if Plaintiff appeals from that decision, that Defendant issue a final decision within 60 days of the appeal.¹

/s/George Z. Singal

U.S. District Judge

Dated this 25th day of February, 2015.

¹ The recommendation regarding the time within which the proceedings are to be included is in accord with the Court's directive in *Butts*, 388 F3d at 387.